



DECISION MEMORANDUM
Deadhorse Ridge Reroute
USDA Forest Service, Northern Region
Nez Perce – Clearwater National Forest
Salmon River Ranger District
Idaho County, Idaho



I. Decision

I have decided to eliminate and rehabilitate two stream crossings and to improve the Deadhorse Ridge Trail 301 (which is open to motorized use by vehicles up to 50 inches wide) by rerouting approximately 2,000 feet of the trail onto adjacent side slopes.

The legal coordinates for this project are: T26N, R3E, Section 3 (Boise Meridian).

Background

Deadhorse Ridge Trail 301 and Telephone Ridge Trail 329 begin at the terminus of National Forest Road 354G. These trails are concurrent as they leave the trailhead, including the project area, and later split. Both trails provide low elevation OHV access to the Nut Basin area. This project is located within the boundaries of the Little Slate Creek Roadless Area in an area managed with a backcountry restoration theme under the Idaho Roadless rule. The project is consistent with the regulations at 36 CFR 294.26, "Other activities in Roadless Areas," as well as 36 CFR 294.24(c)(vii) which allows for the cutting, selling or removal of trees where it is incidental to the implementation of a management activity not otherwise prohibited.

The two lower trail crossings of Deadhorse Creek by Trail 301 are improved fords. Rocks have been removed from the trail and placed downstream to slow stream flow. The stream banks at the fords have been cut to allow ATV passage, resulting in a widened stream channel.

Deadhorse Creek provides important habitat for Snake River Steelhead, Columbia River Basin Bull Trout, and resident Rainbow Trout (Redband). The stream fords negatively impact this habitat by widening the stream channel and removing stream side vegetation, resulting in reduced stream depth and stream bank cover, while increasing water temperature and turbidity. The project was developed in response to requests from the United States Fish and Wildlife Service and NOAA Fisheries to reduce or eliminate motorized trail crossings that could affect fish as part of the DRAMVU (Designated Routes and Motor Vehicle Use) or travel planning process.

In addition, the current fords present a safety hazard to forest visitors as the crossing a fairly swift moving stream where footing can be unstable at higher water flows.

Inventoried Roadless Area

This project is proposed at the northeastern corner of the Little Slate Creek, Idaho Roadless Area. A Roadless analysis has been prepared to evaluate the effects of the project on the Little Slate Creek Roadless Area and has been made part of the project record. As outlined in this analysis, neither the Wilderness nor the Roadless characteristics of the Forest will be impacted by the implementation of this project.

Implementation and Design Specifications

The reroute will remove the lower two fords of Deadhorse Creek. The trail will be constructed to a Class 3 ATV trail standard with a 0-10 percent slope, 60-72 inch tread, and 10 foot radius switchbacks. The abandoned fords will be restored by placement of large rocks and woody debris along the affected stream banks in order to narrow the channel to more natural widths and increase water depth. The abandoned sections of trail tread will be scarified and covered with vegetative debris in order to hasten re-vegetation. Forest hydrology and fisheries specialist will assist in the design and implementation of all restoration activities.

The reroute will be constructed by Agency personnel and members of the local ATV and motorcycle clubs. A small excavator, chainsaws, ATVs, and hand tools will be used in the construction.

Although trees will not be cut for the purpose of timber sales, it is anticipated that approximately 10 trees may be cut/removed in the trail corridor in order to implement the reroute.

All in-stream activities will take place between July 1st and August 15th of 2014 in order to minimize impact to the aquatic species of concern. This project is planned for implementation in 2014.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(1), *Construction and reconstruction of trails*. Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws, state or local laws or requirements for the protection of the environment and cultural resources regulations.

B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions; 2) the proposed action meeting the purpose and need; 3) the findings related to extraordinary circumstances; 4) the project's consistency with laws and regulations, including the Forest Plan; 5) the on-the-ground review and discussion with resource specialists; and, 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed actions will have no effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur, but the project will not affect the habitat for the species, and no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record), and, therefore, no extraordinary circumstances were identified to these resources. Pertinent portions of those analyses are as follows:

Fisheries: *The reroute will remove two stream fords negatively impacting fish habitat by widening the stream channel and removing stream side vegetation resulting in reduced stream depth and while increasing water temperature and sediment delivery. This project will provide beneficial effects and was identified for improvement through the Forest's DRAMVU process. The project will improve habitat for fish populations by restoring the abandoned fords thorough placement of large rocks and woody debris along the affected stream banks in order to narrow the channel to more natural widths and increase water depth. The abandoned sections of trail tread will be scarified and covered with vegetative debris in order to hasten re-vegetation.*

Wildlife: *There are no expected impacts to fisher or their habitat. Disturbance resulting from trail construction and restoration activities may temporarily displace individuals but overall effects would be minor and of short duration. The Deadhorse Ridge is currently used by recreationists using stock and ATVs, and trail construction and restoration activities with will not generate increased disturbance. Any fisher in the area have acclimated to this background level of disturbance. No changes to the population or viability would be expected. Project activities will not alter habitat.*

The Deadhorse Ridge is currently used by recreationists using stock and ATVs, and trail construction and restoration activities with will not generate increased disturbance. Any [gray] wolves in the area have acclimated to this background level of disturbance. Project activities will not increase noise or other disturbance beyond what currently exists. Project activities will not alter habitat.

Western toads can be found in a wide range of habitats from meadows to forests but they are commonly associated with wet areas. Individual toads may be impacted by project activities at the stream crossings during the short time the trail crossing is being restored. Any adverse effects are not expected to have any long-term impacts on the population as a more natural functioning stream channel would improve habitat conditions and eliminate the chance for incidental mortality of toads at the stream crossings by moving the trail away from the stream channel. Constructing a new trail and rehabbing the old tread is away from wet areas and would not impact boreal toads. Project activities will not result in loss of population viability. There will not be any loss of toad habitat from this project.

Plants: *There is potential for the two indicated mosses [Green bug-on-a-stick *Buxbaumia viridis* and Naked-stem rhizomnium *Rhizomnium nudum*] to be in the mesic forests at the proposed work sites. If present, it is possible that existing plants could be impacted. There would not be a concern for overall viability because the potentially suitable habitat is general in the area and only a very small trace of habitat would be involved.*

The most, shaded habitats at the crossings are of low susceptibility to weed invasion. Any occurrences on the little disturbed ground would not be expected to long persist in the local conditions.

2. Floodplains, wetlands or municipal watersheds:

The Forest hydrologist has made the following determination with regard to floodplains, wetlands, and municipal watersheds within the project site:

Floodplains: *The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

Municipal Watersheds: *The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

Clean Water Act, Safe Drinking Water Act, and State Water Quality Laws: The proposed project is also consistent with all applicable State and Federal water quality laws because project Design Criteria and BMPs have been included to protect water resources.

Two stream crossings with active bank erosion will be removed and restored. The trail will be rerouted such that less trail tread is adjacent to the stream; and will be removed and restored.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The project area is not located in any congressionally designated area; therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried Roadless areas or potential wilderness areas:

All of the trail rerouting and rehabilitation activities fall within the Backcountry/Restoration theme in the Little Slate Creek Roadless Area. The proposed treatments do not include timber cutting, sale or removal, road construction or reconstruction or discretionary mineral activities. The project is consistent with the 2008 Idaho Roadless Rule because the rule does not limit or prohibit the use of motorized travel (36 CFR 294.26(a)) or motorized equipment and mechanical transport (36 CFR 294.26(c), 73 FR 61463 [October 16, 2008]). The proposed trails activities will limit ground-disturbing activity (less than one acre of the Roadless area will be affected). The proposed trails will also maintain high quality or undisturbed soil and water, diversity of plant and animal communities, habitat for threatened, endangered and sensitive species, natural appearing landscape and traditional cultural properties. (Roadless Report for Deadhorse Ridge Trail Reroute.)

I briefed Deputy Regional Forester, Tom Schmidt on December 10, 2013, and he concurred that this project is consistent with the Idaho Roadless rule.

5. Research Natural Areas:

The project area does not include land designated as Research Natural Areas; therefore, no extraordinary circumstances were identified to these resources.

6. **American Indians and Alaska native religious or cultural sites and**
7. **Archaeological sites, or historical properties or areas:**

The Forest Cultural Resource Specialist has conducted an appropriate inventory, and determined that no cultural properties are located within the area of potential effects. As a result, he has made a “*No Historic Properties Affected*” determination and the project may proceed.

There are no known sites within the project’s APE; therefore, no mitigation measures are being proposed.

Additionally, the Nez Perce Tribal Government Liaison and Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members’ abilities to exercise those rights.

8. **Soils:** The Forests’ soil scientist has made the following determinations and recommendations:

Soil and Water BMPs will be used for any ground disturbing activities. Soil and Water BMPs can be found in the National Best Management Practices for Water Quality Management on National Forest System Lands (USDA FS Publication FS990a). Landslide prone areas are present but the trail design will utilize grade reversals and water bars eliminating any significant impact on landslide prone areas. Abandoned sections of trail will be scarified, seeded, and covered in forest debris.

Interested and Affected Agencies, Organizations, and Persons Contacted

On December 30, 2013, and January 6, 2014, the Forest Service mailed letters providing information and seeking public comment to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d’Alene tribes. Additionally, a legal notice calling for comments from the general public was published in the *Lewiston Tribune* on January 10, 2014. We received six letters in response to our invitations for comments; one of these letters had *specific identifiable* concerns with regard to the project and is detailed, along with our response, in Appendix A.

III. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Nez Perce National Forest Plan: This action is consistent with the standards and guidelines contained in the 1987 Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 (see project record for further information) because minerals management goals, objectives, and standards are accomplished and protection of fish habitat is assured.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated. The project is consistent with the Forest Plan, including the PACFISH amendment which describes the Riparian Management Objectives (RMOS), and will have no effect on these RMOs, including pool frequency, water temperature, large woody debris, bank stability, lower bank angle or

width-to-depth ratio because of the project location in relation to the stream channel and the nature of the disturbance.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the Deadhorse Ridge Reroute Project is consistent with Section 7 of the Endangered Species Act because no effects to threatened and endangered species are anticipated.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, as amended, and state and Federal water quality laws, and will protect beneficial uses because project design criteria and BMPs have been included to protect water resources. No municipal water supplies are located within, adjacent, or downstream of the project. Based on the implementation of project design measures and adherence to Idaho BMPs, this proposal will produce no measurable effects to water quality of area waters; therefore, it will have no impacts to beneficial uses.

National Historic Preservation Act: The Forest Cultural Resource Specialist has conducted an appropriate inventory, and determined that this project will have no adverse effects to cultural properties because cultural properties located within the area of potential effects do not meet the eligibility requirements for the National Register of Historic Places; and, the project has been designed to avoid significant effects to components/features associated with listed, eligible or unevaluated cultural resource sites; therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

Migratory Bird Treaty Act: No substantial losses of migratory bird habitat are expected from the implementation of this proposal, nor any measurable impact on neo-tropical migratory bird populations as a whole. The proposed action will comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

Environmental Justice: The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest system. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: No unusual energy demands are required to implement the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.


IV. Administrative Review and Appeal Opportunities, and Implementation Date

This decision is no longer subject to appeal pursuant to the U.S. Court of Appeals for the Ninth Circuit Court Order, filed March 7, 2014, in Case No. 12-16206 (DC No. 1:11-cv-00679-LJO-DLB). The project may be implemented during the timeframe specified above.

Contact Person

Questions regarding this decision should be sent to Linda S. Helm, c/o Nez Perce-Clearwater National Forests, 104 Airport Road, Grangeville, Idaho 83530 or by telephone at (208) 935-4285 or facsimile transmittal at (208) 983-4099 during business hours (M-F, excluding Federal holidays, from 7:30 a.m. to 4:30 p.m. PST).

V. Signature of Deciding Officer


JEFF SHINN
District Ranger
Salmon River Ranger District

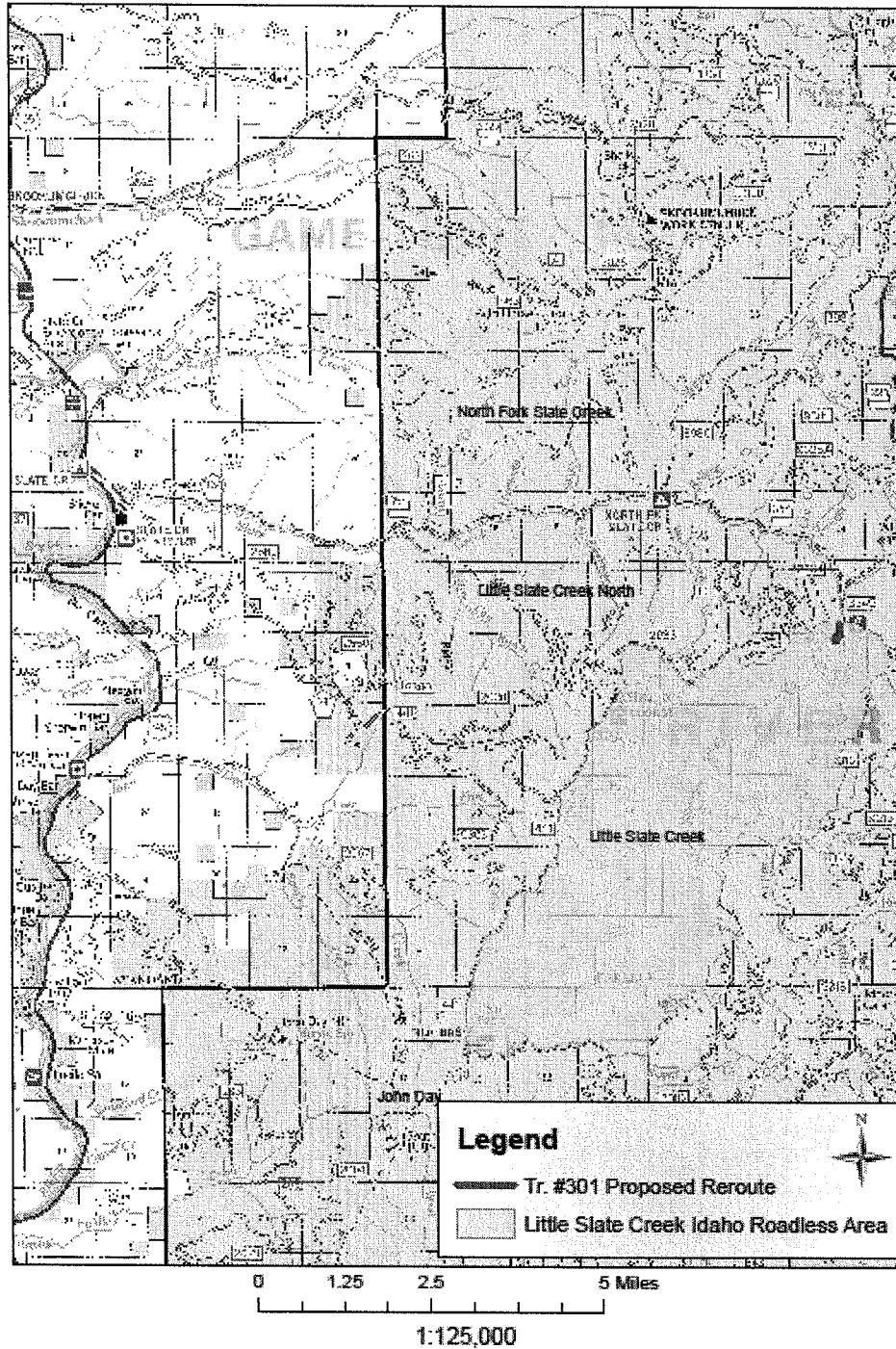
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Enclosures: Maps of project site
Appendix A

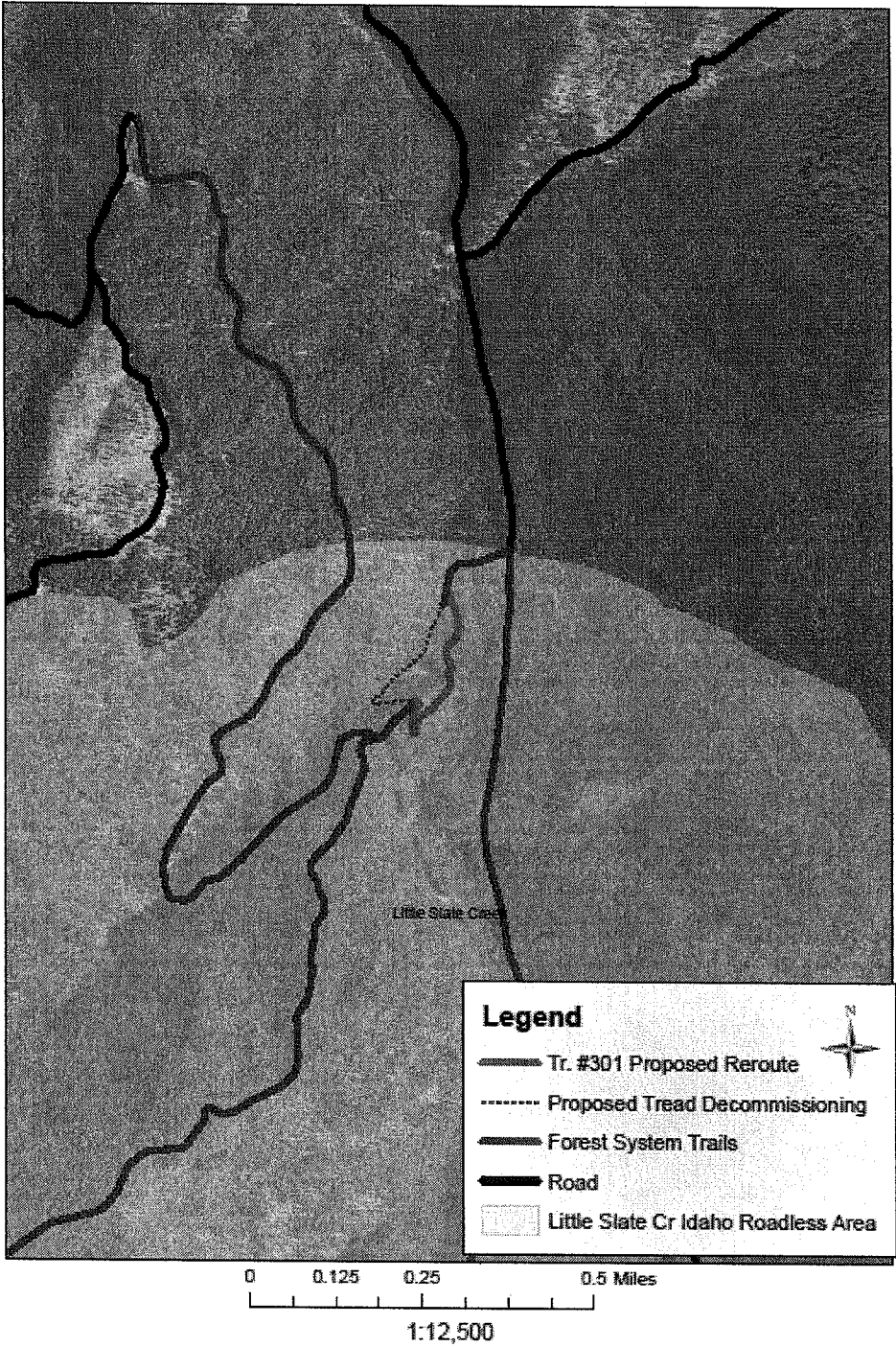
cc: Josh Lattin, Jeremy Harris

Maps of Deadhorse Ridge Reroute Project Site

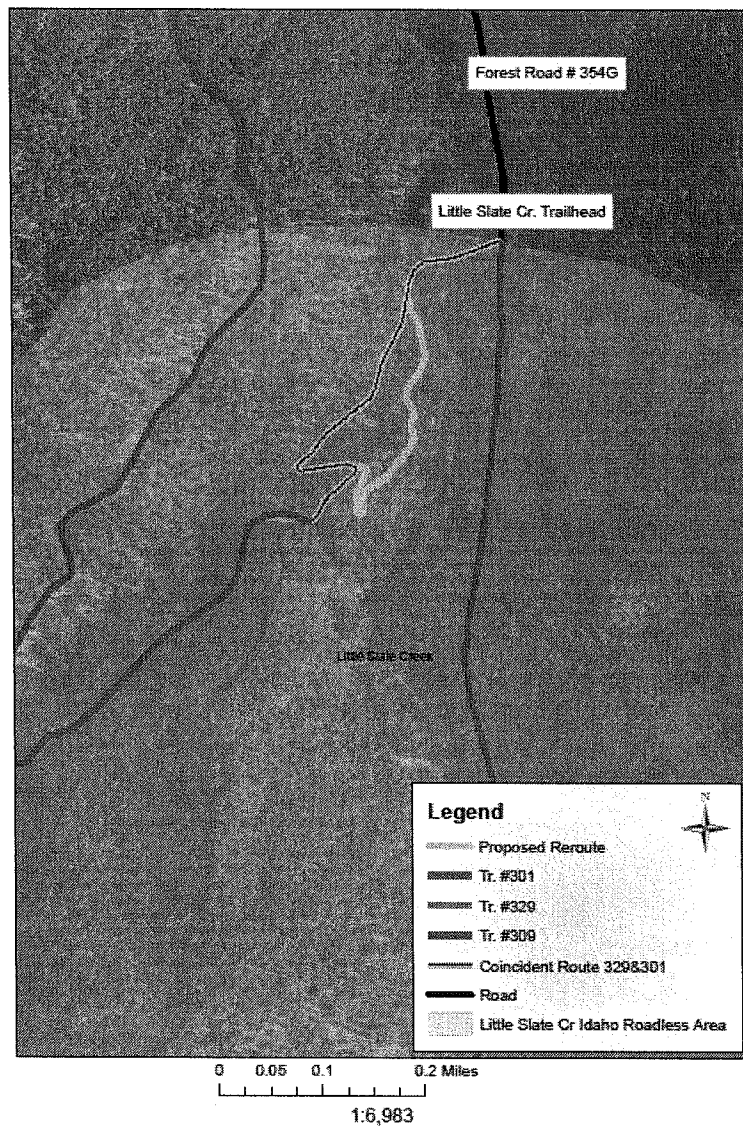
Deadhorse Ridge Reroute



Deadhorse Ridge Reroute



Deadhorse Ridge Reroute - Map #2



Appendix A

Response to Public Comments

On December 30, 2013, and January 6, 2013, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribes. Additionally, a legal notice appeared in the *Lewiston Tribune* on January 10, 2014, inviting comments for 30 days from publication. Six letters were received in response to these notices and invitations but only one specifically had concerns regarding it. Pertinent portions of that letter and our responses to them are incorporated below.

Planning Participant	Comment	Response
<p>Gary Macfarlane Friends of the Clearwater P.O. Box 9241 Moscow, ID 83443 --and-- Board Member Alliance for the Wild Rockies</p>	<p>The Forest Service listed trail 301 as closed in the Road and Trail Access Guide (2001/2002). This was the last one done prior to the beginning of the new travel planning process. Somehow, the trail was opened to ATVs during the initial stages of travel planning. We are aware of no NEPA document or public involvement about opening the trail. Was one done? If so, please send it to us. This is a serious issue.</p> <p>The fact that a new segment ATV trail will be built in a roadless area requires more than a simple categorical exclusion from NEPA. The Forest Service is making a long-term allocation decision (the former "decision" apparently by-passed the public). Further, the agency needs to analyze the impacts to wilderness character of the Little Slate Roadless area. This must be done with, at minimum, an EA and more likely an EIS.</p> <p>Roadless area characteristics are inherently contradictory to motorized use. These include high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land (such as bull trout); and natural</p>	<p>The 2000/2001 Road and Trail Access Guide ("Access Guide") is not the most recent for the Nez Perce National Forest. The Access Guide was updated in 2003, 2007, and 2008. The 2007 and 2008 versions list Trail 301 as open to motorized use up to 50 inches wide (ATVs).</p> <p>The 2000/2001 Access Guide listed Trail 301 as closed to ATV's but open to motorcycles. Prior to 2000, Trail 301 existed as a motorcycle trail beginning at Road 2038 and ending at Slate Point Lookout. (This is now shown as Trail 301 Section B; Tracts Trail Management Objectives for Trail 301.)</p> <p>In 1999, the Forest Service partially re-contoured most of Road 354G and converted this to Trail 309 (Deadhorse Road Obliteration Engineering Drawings, page 3, detail 3). This trail is closed to all motorized use and is not affected by the current trails project. Additionally, the project re-contoured a portion of Road 2038, leaving ATV passage. (Deadhorse Road Obliteration Engineering Drawings, page 3, details 1 and 2.) The Little Slate Trailhead was constructed at the end of the remaining Road 354G as part of the Deadhorse Road Obliteration Project. (Deadhorse Road Obliteration Engineering Drawings, page 4.)</p>

Planning Participant	Comment	Response
	<p>appearing landscapes with high scenic quality; traditional cultural properties and sacred sites. Indeed, ATV trails are more like roads in terms of impacts than they are like nonmotorized trails.</p> <p>The impacts to terrestrial species need to be analyzed.</p> <p>--The cumulative impacts of this project and the travel planning process now taking place need to be addressed.</p> <p>--The impacts on elk and other large species in terms of habitat effectiveness must be analyzed.</p> <p>--The impacts to wildlife need to be addressed including any TES or MI species from building new trail.</p> <p>--The impacts to wildlife from increased human use need to be assessed. Cumulative impacts from past projects need to be considered including the Little Slate timber sales.</p> <p>--The importance of landscape linkages.</p> <p>An EA (or EIS) must analyze the impact on water quality and fisheries habitat. The reroute may help water quality. However, the Forest Service needs to look at impacts from removing the ford rocks, which are cumulative impacts from other planned projects. Will there be additional impacts on bull trout, salmon or steelhead from this project? When were the fords built and what NEPA and public involvement was done?</p> <p>The NEPA document needs to evaluate heritage resources, impacts to TES plants, impacts to air quality (including global warming), and noise levels. For example, what are the cumulative impacts of promoting fossil fuel consumption for recreation vehicles?</p>	<p>Once the trailhead was constructed, Trail 301 was expanded to include what is now Trail Section A. This portion of Trail 301 is initially coincident with Trail 329 (Deadhorse Ridge Reroute Map 2), and connects with the partially re-contoured Road 2038. This created the new Trail 301, Section A. (The proposed trail work is located in the coincident section of Trails 301/329. The original Trail 301 is labeled Section B and the new section is labeled Section A in Tracs because the Little Slate Trailhead is now considered the starting point for the trail.)</p> <p>The 2000/2001 Access Guide and all subsequent access guides list Trail 329 as open to motorized vehicles up to 50 inches wide (ATVs). In March 2000, the Nez Perce Forest Supervisor issued Forest Order D1-06-00 that prohibited using vehicles over 50 inches wide on Forest System trails, including Trail 329. Since the proposed trail work is in the coincident section of trails 301/329, this trail has consistently been open to ATV's. We have no previous Forest orders that closed either Trail 301 or 329 to ATV use.</p> <p>The Deadhorse Ridge Reroute project does not propose a new motorized trail or change any existing designation; it is a relocation of a portion of an existing trail that is currently open to motorized use less than 50 inches wide (ATVs). There is no travel management decision in this project.</p> <p>The need to eliminate the two ford crossings was identified as part of a consultation with the United States Fish and Wildlife Service (USFWS) and NOAA Fisheries as part of the Nez Perce National Forest DRAMVU (Designated Routes and Motor Vehicle Use) project. Although a record of decision has not been signed for this project, the consultation with USFWS and NOAA has been completed.</p>

Planning Participant	Comment	Response
	<p>Alternatives need to be considered. While it would be best to make the decision in context of the travel plan, the agency does not want to wait for that decision to come out. Thus, closing the trails to motorized vehicles should be considered. So should an alternative that closes the trail to motor vehicles and reroutes the trail. Returning to the trail closures of 2002 (two-wheels only), with an option of rerouting, is another alternative for consideration.</p> <p>We are concerned about the issue of the project proponent. This is a blatant privatization of the national forest. These kind of proposals need to go through complete public involvement unlike what apparently occurred in the recent past when these trails were opened to ATVs. A CE is inadequate.</p> <p>Please keep us updated on this project.</p>	<p>An interdisciplinary team reviewed the project. A Roadless analysis has been completed for this project, as well as a wildlife biological assessment/evaluation (BA/BE), a fisheries BA/BE, a plants BA/BE, an archaeological review, a soils report, and a watershed report. These reports are found in the project record.</p>